

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
NORTHERN DIVISION

MICHAEL PRUITT, #258430,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:08-cv-510-TMH
)	WO
RICHARD ALLEN, ADOC Prison)	
Commissioner,)	
)	
Defendant.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #7) to the Supplemental Recommendation of the Magistrate Judge filed on August 13, 2008 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #4) filed on July 3, 2008 and Supplemented (Doc. #6) on July 29, 2008 are adopted;
3. Plaintiff's *respondeat superior* and equal protection claims, as discussed in the Supplemental Recommendation, are DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B).
4. Plaintiff's complaint is DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).

DONE this 29th day of October, 2008.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE